

Message Text

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51

ACTION EUR-25

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FM AMEMBASSY BRUSSELS

TO SECSTATE WASHDC 8884

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LIMITED OFFICIAL USE BRUSSELS 5834

E.O. 11652: N/A

TAGS: MILI, MARR, EFIN, BE, US

SUBJECT: REIMBURSEMENT OF REGISTRATION PAYMENT FOR DOD

SCHOOL LAND IN BRUSSELS

REF: BRUSSELS A-227

1. AMBASSADOR VERWILGHEN, PRESIDENT OF BELGIAN INTER-MINISTERIAL COMMITTEE FOR SHAPE, CALLED IN EMBOFF OCT. 10 TO REPORT THAT LATEST EMBASSY EFFORT TO REOPEN MATTER OF REGISTRATION FEE ON DOD SCHOOL HAD RUN INTO STONE WALL IN THE FORM OF FOREIGN MINISTRY POLITICAL DIRECTOR DAVIGNON. ACCORDING TO VERWILGHEN, DAVIGNON DID NOT SPECIFICALLY REJECT ARGUMENTATION CONTAINED IN OUR AIDE-MEMOIRE BUT INSTEAD MAINTAINED THAT US HAD TACITLY AGREED IN 1971 TO LET THE MATTER DROP IN EXCHANGE FOR EXEMPTION FROM CONSTRUCTION TAXES ON THE NATO DISPENSARY. AS EVIDENCE OF THIS ALLEGED TACIT AGREEMENT, VERWILGHEN CITED TWO FOREIGN MINISTRY NOTES OF JANUARY 18, 1971, ONE ADVISING THE EMBASSY OF THE DISPENSARY EXEMPTION "AS A SPECIAL CASE" AND THE OTHER REGRETTING "THE IMPOSSIBILITY OF EFFECTING THIS (DOD SCHOOL REGISTRATION FEE) REIMBURSEMENT". DAVIGNON WAS REPORTEDLY ANNOYED THAT THE ISSUE HAD BEEN RAISED AGAIN AND ABSOLUTELY REFUSED TO RECONSIDER IT.

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2. EMBOFF REPLIED THAT THERE WAS NOTHING IN OUR FILES TO INDICATE ANY SUCH AGREEMENT HAD BEEN REACHED, THAT THE DISPATCH OF TWO FOREIGN MINISTRY NOTES ON THE SAME DAY DID LITTLE TO SUBSTANTIATE DAVIGNON'S REPORTED CONTENTION, AND THAT THE EMBASSY HAD RAISED THE MATTER WITH VERWILGEN OR HIS PREDECESSOR (DE KERCHOVE) ON SEVERAL OCCASIONS SINCE JANUARY 18, 1971, ITSELF PROOF AGAINST CLAIMS THAT ANY TACIT AGREEMENT EXISTED. EMBOFF ONCE AGAIN REVIEWED THE ARGUMENTS IN FAVOR OF REIMBURSEMENT OF THE REGISTRATION FEE, EXPRESSED US CONCERN THAT COMMON DEFENSE FACILITIES SHOULD BE TAXED IN ANY MANNER, AND RECALLED THAT BELGIUM HAD REIMBURSED A CONSTRUCTION TAX ON THE DOD SCHOOL IN 1968 AND THEREBY RECOGNIZED THE RIGHT TO EXEMPTION. VERWILGHEN COULD ONLY REPLY THAT HE HAD BEEN STOPPED IN HIS TRACKS BY DAVIGNON'S ABRUPT DISMISSAL OF THE AFFAIR AND THAT ANY FURTHER DISCUSSION WOULD HAVE TO TAKE PLACE AT A HIGHER, POLITICAL LEVEL.

3. COMMENT. IT IS NOW CLEAR THAT WE ARE NOT GOING TO GET ANYWHERE ON THIS CASE WITHOUT A HIGH-LEVEL POLITICAL APPROACH TO BACK UP OUR VERY SOUND LEGAL ARGUMENT. WE PROPOSE TO DELAY FURTHER ACTION UNTIL WE HAVE HAD AN OPPORTUNITY TO DISCUSS THIS QUESTION WITH AMBASSADOR STRAUZ-HUPE UPON HIS RETURN TO BRUSSELS NEXT WEEK. END COMMENT. BOOCHEVER

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